

REMARKS

Claims 6, 9, 11-13, 16-18, 21, 23, 25, 27-35, 37, 39, 41, and 43-50 are pending in this application.¹ Claims 16-18, 21, 23, 25, and 27-33 were previously withdrawn from consideration. In this response, claims 43 and 44 have been amended. Claims 6, 9, 11-13, 34, 35, 37, 39, 41, 43-50 are currently under consideration.

Attached hereto is a marked-up version of the changes made to the claims by the current amendment. The attached page is captioned **“VERSION WITH MARKINGS TO SHOW CHANGES MADE.”** Support for the claim amendments may be found in the specification, for example on page 36, lines 5-13 and in Figure 12 (peptide 4). No new matter has been added by the foregoing amendments.

The Office has required restriction to one of the following inventions under 35 U.S.C. § 121:

I. Claims 6, 9, 11-13, 34, 39, 41, 45-50, drawn to a composition comprising a contiguous sequence of amino acids within the sequence representing residues 149-197 of the G protein of respiratory syncytial virus (RSV), wherein more than one of cysteines 173, 176, 182, and 186 is absent or blocked and non-glycosylated, and the method for using the polypeptide for inhibiting the RSV CPE.

II. Claims 16-18, and 21, drawn to an antibody and method for using the antibody directed against a polypeptide of RSV G protein

III. Claims 23, 35, and 37, drawn to a method for diagnosis of Pneumovirus infection by using a polypeptide of RSV G protein

IV. Claim 25 and 27-33, drawn to a method for identification of a cell surface receptor for RSV G protein

¹ Applicants respectfully note that the Office Action Summary incorrectly fails to list claims 37 and 39 as pending in this application.

V. Claims 43-44, drawn to a compound comprising the amino acid sequence of SEQ ID NO:39, wherein the cysteine residues are derivatized with acetamidomethyl

Applicant hereby elects Group I (claims 6, 9, 11-13, 34, 39, 41, 45-50), with traverse.

Applicant respectfully notes that claims 35 and 37 (Group III) are not drawn to a method of diagnosis, as asserted in the Office Action. Claims 35 and 37 are drawn to a diagnostic composition, rather than a method. These claims are dependent upon claim 6, which is drawn to a compound (Group I). Claim 35 recites a diagnostic composition comprising a compound according to claim 6, and claim 37 recites the composition of claim 35, wherein one or more amino acids is replaced by its corresponding D-amino acid. Neither of these claims recites a method of diagnosis. Since the claims of Group I, and claims 35 and 37, all recite compounds or compositions drawn to a contiguous sequence of amino acids within the G protein of RSV, Applicant respectfully requests that claims 35 and 37 be joined with Group I.

Claims 43 and 44 (Group V) as amended are dependent upon and encompassed within the scope of claim 6. Accordingly, Applicant respectfully requests that claims 43 and 44 be joined with Group I.

Applicant expressly reserves his right under 35 U.S.C. § 121 to file a divisional application directed to the nonelected subject matter during the pendency of this application, or an application claiming priority from this application.

Applicant requests examination of the elected subject matter on the merits.

In the unlikely event that the transmittal letter is separated from this document and the Patent Office determines that an extension and/or other relief is required, Applicant petitions for any required relief including extensions of time and authorizes the Assistant Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing docket no. 273402004000. However, the Assistant Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

Respectfully submitted,

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VERSION WITH MARKINGS TO SHOW CHANGES MADE

In the claims:

43. (Amended) A compound according to claim 6, comprising the amino acid sequence KQRQNKPPSKPNNDHFHFEVFNFVPCSICG (SEQ ID NO:39), wherein the cysteine residues are derivatized with acetamidomethyl.

44. (Amended) [The] A compound according to claim 6, consisting of acetyl-KQRQNKPPSKPNNDHFHFEVFNFVPCSICGAmide (SEQ ID NO:39), wherein the cysteine residues are derivatized with acetamidomethyl.



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First Named Inventor

Jeffrey John GORMAN

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1648

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ENCLOSURES (check all that apply)☐ Fee Transmittal Form☐ Assignment Papers
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Date

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